

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA**

INA LABORDE

Plaintiff

v.

**AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
(AFSCME), LOUISIANA PUBLIC
EMPLOYEES COUNCIL 17, AFSCME,
DOROTHY TOWNSEND and
LLOYD PERMAUL**

Defendants

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CIVIL ACTION NO.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), Defendants American Federation of State, County and Municipal Employees (“AFSCME” or the “Union”) files this Notice of Removal of the above captioned matter from the Ninth Judicial District Court for the Parish of Rapides, State of Louisiana to the United States District Court for the Western District of Louisiana. The grounds for removal are as follows:

1. In or about January 24, 2020, plaintiff Ina Laborde filed a Petition in the Ninth Judicial District Court of Louisiana against Defendants. Plaintiff served a copy of the Petition upon Defendants on February 12, 2020. A copy of the Petition, with Exhibits and Citation, are attached hereto as Exhibits A and B respectively.
2. This Court has original jurisdiction over the matter because Plaintiff’s claims arise under the “Constitution, laws or treaties of the United States.” 28 U.S.C. § 1331. Section 301 of the Labor Management Relations Act (“LMRA”) provides federal

jurisdiction over “suits for violation of contracts between an employer and a labor organization.” 29 U.S.C. § 185(a).

3. Paragraph 2 of Plaintiff’s Petition alleges breach of contract and says, “This action is a suit on an agreement/contract between Field Staff Representatives Union (F.S.R.U) Local No. 2 and Council No. 17 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME).” Plaintiff was an employee of AFSCME Council No. 17 and Plaintiff’s breach of contract allegation is based on a collective bargaining agreement. Accordingly, this Court has original jurisdiction over this case under Section 301 of the LMRA and 28 U.S.C. § 1331 as the claim arises from a contract between an employer and a labor organization.
4. The Ninth Judicial District Court of Louisiana in which this matter was commenced is within this Court’s district. Therefore, the matter is properly removable to this Court. 28 U.S.C. § 1441(a).
5. Pursuant to 28 U.S.C. § 1446(b) and Fed. R. Civ. P. 6(a)(1)(C), Defendants may remove the state court case to this Court on or before March 11, 2020.
6. A copy of this Notice of Removal is being filed with the Clerk of the Ninth Judicial District Court of Louisiana and a copy is being served on Plaintiff as required by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit C.
7. This Court’s required filing fee and executed civil cover sheet accompany this Notice.

Having fully complied with all requirements for removal of this action, Defendants respectfully request that the action now pending in the Ninth Judicial District Court of Louisiana be removed to the United States District Court for the Western District of Louisiana.

Respectfully submitted,

**ROBEIN, URANN, SPENCER, PICARD
& CANGEMI, APLC**

s/Julie Richard-Spencer

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CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of March, 2020, a copy of the foregoing Notice of Removal was served by email and by first-class U.S. mail, postage prepaid upon:

W. Alan Pesnell
1330 D Jackson Street
Alexandria, Louisiana 71301
wapesnellatty@gmail.com

s/Julie Richard-Spencer

Julie Richard-Spencer